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California Energy Commission
Docket Unit
1516 9th Street MS-4
Sacramento CA 95814

RECEIVED IN DOCKETS

From: Joan Wood, Sutter County landowner and member of the public

Re: **Docket No. 01-SIT-1**

Proposed modifications to siting regulations

As a member of the public whose future participation in power plant siting you are now seeking to curtail, these are my objections to the proposed revisions in Sections 1 through 8. (Revisions in Section 9 appear to be "housekeeping" ones, and I agree with the change proposed in Section 7 (Section 1751) as it appears to broaden the basis on which decisions would be based .)

Please note I previously wrote you in February regarding the workshop about changes proposed to lower the standards for use and storage of hazardous materials at the site of power plants. Your stated reasons then were that the proposed new regulations would "replace overly restrictive limitations and provide additional flexibility in qualifying for the (shortened) certification process without jeopardizing public safety."

These new changes would be even more dangerous to the public interest, as they would allow the Energy Commission to decide what is a *genuine* dispute of material facts and which testimony would *materially assist* the Commission in reaching an "informed decision." This per **Section 1212. Rules of Evidence.**

Isn't this Big Brother deciding what is good for us? How could the Commission be both jury and judge, deciding first to admit only that testimony that you have decided is genuine or of material assistance, then making a decision based on that evidence?

Of course it would be more *efficient* - **ibid 1212(c) and (e)** - but it is not the democratic way! When you allow the public to participate, of course it slows the process down. Commissioner Laurie noted this in an interview, according to today's San Francisco Chronicle (page A-3) However, it is our right to participate. It should not be forgotten that the primary function and duty of the Energy Commission is to certify power plants for the benefit of the public

Requiring written testimony in advance would be another exclusionary device - **ibid 1212(b).**

Section 1710(a) and (h) Noticing Procedures

This is where you wish to dispense with public notice for all meetings between parties involved in the certification process, including applicant, staff, other agencies, and any other affected parties, excepting only that staff will be tasked with making a written record about its discussions and serving copies on all parties. (The existing regs exempt only "informal" discussions from public notice.)

This is such an egregious violation of the Brown ("Sunshine") Act that I am surprised you put it up for discussion. It encourages meetings away from public scrutiny.

Section 1712 Right to Become a Party, Rights and Duties

Deleting the word "*intervening*" in 1712(b) would probably prevent members of the public such as myself from having input into your decisions, since I am not an Intervenor as yet. Another reduction in public participation.

Section 1714.5(d) Agency Comments

Proposed added section says that comments from other State agencies "rule," and that these comments represent the position of the State of California on the subject. There is a reason for the large number of State agencies, and that is that they all have a different function in satisfying the best interests of us, the public. In having the final say, the Energy Commission would appear to represent the State, and certainly the Governor who has appointed you Commissioners. I do however agree that the State agencies should carry more weight with you than the applicant.

Section 1741(b), 1748(d), and 1752(a) Application Purpose and Objectives; Hearings; Purposes; Proposed Decision; Contents

You propose to delete the requirements that the approval of new power plants be correlated with a 12-year forecast of electricity needs (no new time span is to replace this!) and that the hearings consider whether proposed facilities conform to a level of electricity demand previously adopted.

What can be the meaning of these proposals other than to allow for continued commercial speculation, including further manipulation of the power market? Do you believe the application process should be detached from reality? You have already certified 16 new power plants since deregulation went into effect, and 3 of these went on line earlier this month. However, Californians have now demonstrated they are capable of conservation, and the energy suppliers, the Power Exchange, and the ISO have been behaving themselves so well that we are no longer having blackouts. Perhaps the crisis has been exaggerated, and the emergency is over. The Energy Commission should demonstrate that it is flexible and attuned to the times.

A study by the San Francisco Chronicle published 3-11-01 (page A-15) found that

electricity useage increased overall only **4.75%** from 1999 to 2000, although the peak period May to September was 8.31% higher. This is quite different than what has been put out by applicants before your Commission.

It is true that the public has been and probably will continue to be an impediment to you in speedy certification of new power plants. However, these proposed changes in the rules for public participation would subvert and distort our fundamental right to know and participate in the process. These are matters that will affect our lives for years to come, both in regard to health and work. Electricity is a public utility and we are the public. We have the right to be heard and you have a duty to listen to us.

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